

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

JARED LUPTAK

Plaintiff,

v.

LINCOLN MORTGAGE, L.L.C.

Defendant.

Civil Action No. 05-1572

Judge Lancaster / Mag. Judge Lenihan

Filed Through Electronic Filing System

**JOINT STIPULATION TO VOLUNTARILY DISMISS AMENDED
COMPLAINT AND DEFENDANT'S COUNTERCLAIM WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Jared Luptak ("Plaintiff") and Defendant Lincoln Mortgage ("Defendant"), by and through their undersigned counsel, hereby agree to voluntarily dismiss all claims raised in Plaintiff's Amended Complaint and Defendant's Counterclaim with prejudice.

WHEREAS, Plaintiff and Defendant agreed to resolve the amended collective action complaint against Defendant asserting violations of the Fair Labor Standards Act ("Amended Complaint");

WHEREAS, Plaintiff agreed to voluntarily dismiss all claims asserted in his Amended Complaint with prejudice;

WHEREAS, Defendant agreed to voluntarily dismiss all claims asserted in its Counterclaim with prejudice;

IT IS HEREBY AGREED between the Plaintiff and Defendant that all claims asserted in the Plaintiff's Amended Complaint and Defendant's Counterclaim are DISMISSED WITH PREJUDICE.

DATED this 19th day of July 2006.

Respectfully submitted,

s/ Kara M. Maciel

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s/ Jeffrey L. Suher

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Counsel for Jared Luptak

SO ORDERED, this ⁷24 day of July, 2006.



Hon. Gary L. Lancaster, U.S. District Judge